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January 8, 2025

BY CM/ECF

The Honorable Joan M. Azrack
United States District Court
Eastern District of New York
100 Federal Plaza
Courtroom 920
Central Islip, New York 11722

The Honorable Arlene R. Lindsay
United States District Court
Eastern District of New York
814 Federal Plaza
Courtroom 810
Central Islip, New York 11722

Re: Town of Hempstead, et al. v. Triborough Bridge and Tunnel Authority, et al.,
No. 24 Civ. 3263 (E.D.N.Y.) (JMA) (ARL)

Dear Judges Azrack and Lindsay:

We represent Defendants the Triborough Bridge and Tunnel Authority (“TBTA”) and the Metropolitan Transportation Authority (“MTA”; collectively, the “MTA Defendants”) in the above-referenced action. We write to advise the Court that on December 23, 2024, Judge Seibel denied motions for preliminary injunctions in two similar actions pending before her in the Southern District, in which plaintiffs sought to enjoin the Central Business District Tolling Program (the “Program”). *County of Rockland v. Triborough Bridge & Tunnel Auth.*, No. 24 Civ. 2285 (S.D.N.Y.) (“*Rockland*”); *Neuhaus v. Triborough Bridge & Tunnel Auth.*, No. 24 Civ. 3983 (S.D.N.Y.) (“*Orange*”). A transcript of Judge Seibel’s bench ruling is attached as **Exhibit A**.

Judge Seibel denied the motions for preliminary injunction because, among other reasons, the plaintiffs “failed to show likelihood of success on the merits as to any of their claims,” Ex. A at 32:7-8, including with respect to their Equal Protection and Due Process Clause, *id.* at 19:14-24:23, Eighth Amendment, *id.* at 28:3-32:6, and “unauthorized tax” claims, *id.* at 24:24-28:2. As this Court has already held, those claims are “substantially duplicative” of claims asserted by Plaintiffs here. ECF 37 at 11.

On December 24, 2024, the *Rockland* plaintiffs filed a Notice of Appeal from Judge Seibel's Order denying their motion for preliminary injunction. *Rockland*, ECF 53. On January 3, 2025, Judge Sullivan of the Second Circuit entered an order denying the *Rockland* plaintiffs' emergency motion for a preliminary injunction or stay of the Program pending review by a three-judge panel. *See Rockland v. Metropolitan Transportation Auth.*, No. 24-3325 (2nd Cir. Jan. 3, 2025), Dkt. No. 22.

We will update the Court further once Judge Seibel issues her decision on the MTA Defendants' anticipated omnibus motion to dismiss the *Rockland* and *Orange* actions, which is due to be filed on January 15, 2025. *See* ECF 44 at 2.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Roberta', with a stylized flourish extending to the right.

Roberta A. Kaplan

cc: Counsel of Record (via ECF)